

***Revised**

44.

A regular meeting of the City Council was held on ***Monday** March 25, 2019 in the City Council Chambers, 2nd floor of City Hall, 45 School St., Brockton, MA. Councillor Eaniri presiding as President pro Tempe for Councillor Rodrigues, who is out of the country, The meeting was called to order at 7:10pm with 9 members present. Councillors Monahan and Rodrigues absent.

Councillor Eaniri takes a moment to thank the Building Superintendent and Building Department regarding all business as far as elevator repair. He also thanks the Mayor for new cameras, microphones, TV's and all new equipment in the chamber and states it's great to be back and welcomes everyone.

In City Council, March 25, 2019

135 Acceptance of the minutes of the March 11, 2019 City Council meeting.

Accepted and placed on file.

APPOINTMENTS

Councillor Sullivan motions to move under suspension of rules and accept Special Police appointments as late files and take all five appointments collectively and was properly seconded. The motion carried by hand vote.

160 Appointment of Michael Gomes as a Special Police Officer of the City of Brockton for a one year term ending January 2020.

161 Appointment of Jonathan Drane as a Special Police Officer of the City of Brockton for a one year term ending January 2020.

162 Appointment of Adilson Andrade as a Special Police Officer of the City of Brockton for a one year term ending January 2020.

163 Appointment of Darnell Campbell as a Special Police Officer of the City of Brockton for a one year term ending January 2020.

164 Appointment of Alicia Fernandes as a Special Police Officer of the City of Brockton for a one year term ending January 2020.

Confirmed by a roll call vote taken by "yeas" and "nays"; nine members present and all voting in the affirmative. Councillors Monahan and Rodrigues being absent. Councillor Sullivan motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Councillor Eaniri states that he appreciates the Special Police for wanting to serve the City of Brockton and knows they will do well.

Councillor Eaniri takes a moment to announce the new City Councilors, Councillor Derenoncourt and Councillor Nicastro, to the Council Chambers as it was their first meeting in the Council Chambers due to the meetings being held at other locations. He also states he spoke to Councillor Monahan who stated he was not feeling well and was unable to attend meeting.

Councillor Cruise motioned to take items **136-146** collectively and to move under suspension rules and was properly seconded. The motion carried by a hand vote.

APPOINTMENTS

136 Of Carlos Depina to the rank of Firefighter in Brockton Fire Department.

45.
APPOINTMENTS (cont'd)

- 137** Of Wesley R. Dwyer to the rank of Firefighter in the Brockton Fire Department.
- 138** Of Alexander J. Fontes to the rank of Firefighter in the Brockton Fire Department.
- 139** Of Myles Chartier to the rank of Firefighter in the Brockton Fire Department.
- 140** Of McGregor Jeune to the rank of Firefighter in the Brockton Fire Department.
- 141** Of Brian T. Gray to the rank of Firefighter in the Brockton Fire Department.
- 142** Of Ryan P. Gagne to the rank of Firefighter in the Brockton Fire Department.
- 143** Of Arthur J. Ford to the rank of Firefighter in the Brockton Fire Department.
- 144** Of Matthew W. Maloney to the rank of Firefighter in the Brockton Fire Department.
- 145** Of Daniel E. Lange to the rank of Firefighter in the Brockton Fire Department.
- 146** Of William F. McNamara to the rank of Firefighter in the Brockton Fire Department.

Deputy Chief of the Brockton Fire Department spoke on the eleven candidates being appointed as Brockton Firefighters. He stated they are all Brockton residents and are filling in spots of retirees. He also stated they went through all the extensive background checks and training. He believes they are going to do a fine job in the City.

Confirmed by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Monahan and Rodrigues being absent. Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

A two minute recess was called.

Back in session.

REPORTS

- 147** Of the Ordinance Committee for its meeting of March 14, 2019.

Accepted and placed on file.

- 148** Of the Finance Committee for its meeting of March 18, 2019.

Accepted and placed on file.

COMMUNICATIONS

- 149** From the Director of Information Technology requesting an appropriation of \$20,000 from Information Technology-Full Time to Information Technology- Overtime (this transfer is necessary to cover unexpected overtime costs due to a staff member being called for Active Duty.)

Accepted and placed on file.

- 150** From the Mayor in Accordance with M.G.L., Ch. 44, recommending that the City Council authorize the total appropriation of \$20,000 from Information Technology-Full Time to Information Technology- Overtime (this transfer is necessary to cover unexpected overtime costs due to a staff member being called for Active Duty.)

Accepted and placed on file.

46.
COMMUNICATIONS (cont'd)

- 151** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the total proposed appropriation of \$20,000 from Information Technology-Full Time to Information Technology- Overtime.

Accepted and placed on file.

- 152** From Director of Council on Aging requesting the acceptance of total grant in the amount of \$174,189.43 from Executive Office of Elder Affairs-FY19 Formula Grant to City Of Brockton Council On Aging-FY19 Formula Grant Fund. The funds will be dispersed in the following manner: Salaries including overtime, Energy, Department equipment repair, Printing, Office Supplies, Registration, Memberships and Subscriptions.

Accepted and placed on file.

- 153** From the Mayor In accordance with the M.G.L, Chapter 44 recommending that the City Council authorize the acceptance and expenditure of the total grant award in the amount of \$174,189.43 from Executive Office of Elder Affairs-FY19 Formula Grant to City Of Brockton Council On Aging-FY19 Formula Grant Fund. The funds will be dispersed in the following manner: Salaries including overtime, Energy, Department equipment repair, Printing, Office Supplies, Registration, Memberships and Subscriptions.

- 154** From the CFO in accordance with Section 5 of Chapter 324 of acts of 1990 certifying the proposed grant in the amount of \$174,189.43 from Executive Office of Elder Affairs-FY19 Formula Grant to City Of Brockton Council On Aging-FY19 Formula Grant Fund.

Accepted and placed on file.

- 155** From the District Treasurer of the Southeastern Regional School District, in accordance with the Provisions of Ch. 489, Acts of 1963, as amended, and of Section 16 B, Ch. 71 of the General Laws, as amended January 2, 1982, and in consideration of the vote and action of the Southeastern Regional School District Committee as of March 12, 2019, whereby the budget for Fiscal Year 2020 was approved, certifying that the amount to be apportioned to the City of Brockton for its share of capital and operating costs of the Southeastern Regional School District for the fiscal period beginning July 1, 2019, is \$4,051,342. The assessment is to be paid in four equal quarterly installments due September 1, 2019; December 1, 2019; March 1, 2020; and June 1, 2020.

Accepted and placed on file.

UNFINISHED BUSINESS

- 388** Ordinance: Chapter 14 - Offenses—Miscellaneous. Sec 14-49 Panhandling (IN CITY COUNCIL MARCH 11, 2019, PASSED TO A THIRD READING, AS AMENDED BY A HAND VOTE)

Ordained, as amended, by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillor Monahan and Rodrigues being absent.

- 565** An Ordinance Amending Chapter II of the Revised Ordinances
Be it hereby ordered that An Ordinance Amending Chapter II of the Revised Ordinances dated February 12, 2018, be amended by inserting “(g)” at the beginning of the text, whereby the entirety of said An Ordinance Amending Chapter II of the Revised Ordinances shall be a continuation of Article XIII, Section 11-211 and shall be inserted into said Section 11-211 as subsection “(g)” to continue after subsection “(f)”.

Relative to Article XIII “Motor Vehicle Repair” (IN CITY COUNCIL MARCH 11, 2019, PASSED TO A THIRD READING, BY A HAND VOTE)

47.

UNFINISHED BUSINESS (cont’d)

Ordained by a roll call vote taken by “yeas” and “nays”; nine members present with six voting in the affirmative. Councillors Asack, Cruise and Lally voting in the negative. Councillors Monahan and Rodrigues being absent.

- 566** An Ordinance Amending Chapter II of the revised Ordinances dated February 12, 2018. To revise second entitled ‘Amendment’, to delete the reference in the first line to “Section “11-211” and to insert in its place Section “11-214.” (IN CITY COUNCIL MARCH 11, 2019, PASSED TO A THIRD READING, BY A HAND VOTE)

Ordained by a roll call vote taken by “yeas” and “nays”; nine members present and eight voting in the affirmative. Councillor Asack voting in the negative..Councillors Monahan and Rodrigues being absent.

Councillor Farwell motioned to file for reconsideration with the wish that it not prevail on items **565-566** and was properly seconded. Reconsideration failed by a hand vote.

Petition of L & L Auto Repair, Armando Mendes, of 17 Myrtle Ave., Braintree, MA for a Motor Vehicle Repair Body License located at 12 Riverside Avenue, Brockton, MA. (IN CITY COUNCIL, MARCH 11, 2019, POSTPONED TO NEXT CITY COUNCIL MEETING)

Councillor Nicastro stated that she spoke to the petitioner and explained the stipulations he is to follow to keep his license active and he has agreed to do so.

Councillor Nicastro read the stipulations:

1. Business Hours of Operation: 8:00a.m.-6:00p.m. Monday-Friday, 8:00a.m.- 1:00p.m. Saturday, closed Sundays & all legal holidays.
2. Business Hours of Operation will be posted on building exterior using a minimum of two (2) inch high letters.
3. All outside storage of auto parts and/or debris is prohibited.
4. All outside storage of vehicles is prohibited after the hours of operation listed above.
5. All vehicles associated with this business must be parked off street.
6. All vehicle repair work must be undertaken inside the garage.
7. Parking spaces shown on parking plan submitted with application must be on paved surface, sized 9' x 20', and properly striped with four (4) inch wide stripes including cross hatched sections.
8. Four of the parking spaces shown on plan must be marked as dedicated solely for use by occupants of the two apartment dwellings on the property.
9. No bonding or painting of vehicles will be performed on site.
10. No wrecked, damaged or dismantled motor vehicles or parts thereof will be placed or stored outside at any time.
11. Any outside dumpster will be properly fenced per Ordinance and/or state law.
12. Vending machines will not be placed outside the building.
13. The Property Owner must obtain and maintain a Garage License, and Applicant and Property Owner must provide a copy of a current lease of the garage and outside parking area of the property. In the event that said Lease is not provided, or it lapses or is not extended for any reason, this License will forthwith become null and void.

12. Subject to the provisions of Revised Ordinances of the City of Brockton, including without limitation, Article XIII thereof.

48.

UNFINISHED BUSINESS (cont'd)

Granted as stipulated, by a hand vote.

- 118** Appointment of Daniel LaBranche of 32 Dupont Circle of Brockton, MA to the Brockton Community Access Board of Directors for a term of three years. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Monahan and Rodrigues being absent.

- 131** Appropriation in the amount of \$400,000
From: Full Time Salaries
To: Police Overtime (FAVORABLE, AS AMENDED) Amended from “Appropriation” to “Transfer” due to a scrivener’s error.

The amendment passed by a hand vote. Adopted, as amended, by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Monhan and Rodrigues being absent.

Councillor Sullivan stepped down.

- 130** Ordered: That the Brockton City Council, acting on behalf of the City of Brockton, for consideration of One Dollar (\$1.00), does hereby grant an easement to Massachusetts Electric Company, a Massachusetts Corporation, having its principal office at 40 Sylvan Road, Waltham, Massachusetts 02451, for purposes of unrestricted, twenty-four hours a day, seven days a week, year round ingress and egress by persons, equipment or vehicles of various loads from the public way to access Grantee’s electric facilities, whether now existing or hereafter installed, located on certain real property abutting the Grantor’s Land, which abutting real property is know as 0 West Elm Street, Brockton, Massachusetts, and identified as Brockton Assessor Parcel ID 091-004 to provide electric service to said abutting real property and others. And further that the City Council authorizes the Mayor to execute the “Grant of Easement” and to make other actions necessary to carry out the terms, purposes and conditions of the same. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Monahan , Rodrigues and Sullivan being absent
Councillor Cruise motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 133** Resolve: to invite Captain John Hallisey, the chair of the Traffic Commission to discuss with the city council the situation with illegally parked cars on residential streets and as to why during the latest snow storm that enough was not done to address this issue and why when contacting the police and the non-emergency number residents were told that at times supervisors were not available. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eight members present and all voting in the affirmative. Councillors Monahan, Rodrigues and Sullivan being absent.

Councillor Sullivan stepped back in.

- 134** Resolve: to invite Matthew Dyer, representative Urban and Community Forestry, again to inform the public about the “free trees” program that will begin in the spring. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; nine members present and all voting in the affirmative. Councillors Monhan and Rodrigues being absent.

49.
ORDERS

- 156** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Alexandra's Way, extending from West Chestnut Street, southerly, a distance of 765.71 feet, more or less, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said City of Brockton.

Referred to Finance and Planning

- 157** Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Rachael's Way, extending from Alexandra's Way, southwesterly and southeasterly, a distance of 647.28 feet, more or less, to Alexandra's Way, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way of said City of Brockton.

Referred to Finance and Planning

- 158** Total appropriation of \$20,000
From: Information Technology-Full Time
To: Information Technology- Overtime

Referred to Finance

- 159** Total Grant Award in the amount of \$174,189.43
From: Executive Office of Elder Affairs-FY19 Formula Grant
To: City Of Brockton Council On Aging-FY19 Formula Grant Fund.

Referred to Finance

LATE FILES

Councillor Beauregard motioned to accept all communications and three orders, two grants and an easement and was properly seconded. The motion carried by a hand vote.

Communications:

- 165** From the Chief of the Police Department requesting authorization to expend additional grant monies in the amount of \$6,240.03 received through FFY19 Traffic Enforcement and Equipment (T&E) Grant Program funds from the Executive Office of Public Safety and Security (EOPSS)/Office of Grants and Research/Highway Safety Division.

Accepted and placed on file.

- 166** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the additional grant funds in the amount of \$6,240.03 from Executive Office of Public Safety and Security Office of Grants and Research/Highway Safety Division FY19 Traffic Enforcement and Equipment Grant Program to City of Brockton Police Department-FY19 Traffic Enforcement and Equipment Grant Program Fund. (These grant funds will be used for traffic overtime shifts conducted in conjunction with April's distracted driving campaign. May & June's Click it or Ticket campaign, and the Impaired Driving campaign of July through September). No match required.

Accepted and placed on file.

50.
LATE FILES (cont'd)

- 167** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of additional funds in the amount of \$6,240.03 from Executive Office of Public Safety and Security Office of Grants and Research/Highway Safety Division FY19 Traffic Enforcement and Equipment Grant Program to City of Brockton Police Department-FY19 Traffic Enforcement and Equipment Grant Program Fund.

Accepted and placed on file.

- 168** From the Chief of the Police Department requesting authorization to expend additional grant monies in the amount of \$98,938.00 received through the Executive Office of Health and Human Service's FY19 Safe and Successful Youth Initiative Grant.

Accepted and placed on file.

- 169** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the acceptance and expenditure of the additional grant funds in the amount of \$98,938.00 from the Executive Office of Health and Human Service's-FY19 Safe and Successful Youth Initiative Grant to City of Brockton Police Department-FY19 Safe and Successful Youth Initiative Grant Fund. (These grant funds will be used by the Old Colony YMCA for street outreach, case management, behavioral health, and tiered employment and education services for a targeted group of young men as well as to plan for the addition of females to the program. A portion is allocated to the city for grant fiscal management services).

Accepted and placed on file.

- 170** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the appropriation of additional funds in the amount of \$98,938.00 from the Executive Office of Health and Human Service's-FY19 Safe and Successful Youth Initiative Grant to City of Brockton Police Department-FY19 Safe and Successful Youth Initiative Grant Fund.

Accepted and placed on file.

- 171** Acceptance and expenditure of the total grant funds in the amount of \$6,240.03
From: Executive Office of Public Safety and Security Office of Grants and Research/Highway Safety Division FY19 Traffic Enforcement and Equipment Grant Program
To: City of Brockton Police Department-FY19 Traffic Enforcement and Equipment Grant Program Fund.

Referred to Finance

- 172** Acceptance and expenditure of additional grant funds in the amount of \$98,938.00
From: the Executive Office of Health and Human Service's-FY19 Safe and Successful Youth Initiative Grant
To: City of Brockton Police Department-FY19 Safe and Successful Youth Initiative Grant Fund.

Referred to Finance

- 173** Ordered: The City of Brockton grants to 28 Petronelli LLC an easement over Petronelli Way (formerly Ward Street) to maintain the existing balconies, so long as the balconies exist, on the premises known as 28 Petronelli Way, Brockton, MA. And further that the City Council authorizes the Mayor to execute the "Grant of Easement and Agreement" and to take other actions as necessary to carry out the terms, purposes and conditions

of the same.

51.

Referred to Real Estate

All items on agenda are available in their entirety for review in the City Clerk's Office for all interested parties.

All council business as listed on the agenda have been emailed to the City Council members in their complete form, with exception of oversized material, such as maps, photos, etc.

Councillor Sullivan asked for a moment of Personal privilege to announce an Ordinance Committee meeting on Wednesday April 3, 2019 at 6pm in the Council Chambers, 2nd floor of City Hall.

Councillor Cruise asked for a moment of Personal privilege to thank John Merian and the Downtown Business Association for the putting together the Winter's End Ball. It turned out great. The

Grand Marshall, Vinny Macrina, was given an award as well as Carl Landerholm's family in his honor.

Councillor Eaniri took a moment to tell the councilors to take a look under their chair and if there is anything that doesn't belong to them just put it on top of the desk for it to be disposed. He also reminded them to keep their space clean.

Meeting adjourned 7:48PM